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OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

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Date : 22 July 1948

I certify that Document Number 2386-PS was introduced into evidence as Exhibit Number USA-150 in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

Fred NIEBERGALL
Chief, Document
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# C E R T I F I C A T E

I hereby certify that the annexed document 2386-PS No. USA - 450 is a photostat of an original document submitted in evidence by the United States Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Paul Joosten

Nuremberg, 1 July 1948

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

2386-PS

JOINT STATEMENT OF AMBASSADOR GEORGE S. MESSERSMITH (FORMERLY CONSUL GENERAL IN BERLIN, GERMANY, 1930 - 1934, AND AMERICAN MINISTER TO AUSTRIA, 1934 - 1937) AND RAYMOND H. GEIST, COUNSELOR OF EMBASSY (FORMERLY AMERICAN CONSUL AND FIRST SECRETARY OF EMBASSY IN BERLIN, GERMANY, 1929 - 1939) REGARDING GUILT AS WAR CRIMINALS OF FORMER MEMBERS OF (I) THE GERMAN GOVERNMENT UNDER ADOLPH HITLER, (II) THE GERMAN NATIONAL SOCIALIST LABOR PARTY; AND (III) CIVIL COMMUNITY OF NATIONAL SOCIALIST GERMANY.

Mexico City, D. F.<br>Mexico } ss.

United Mexican States<br>Mexico, Federal District<br>Embassy of the United States of America } ss

George S. Messersmith and Raymond H. Geist, being first duly sworn, depose and say:

I.

Responsibility for and guilt in the crime of aggression committed by the National Socialist Government of Germany rests not only upon the highest officers of the German Reich, but in relative degrees also upon numerous subordinate functionaries, not only of the Central Government, but of the provincial and municipal governing bodies which collaborated voluntarily in the Hitler oppressions. The period between March 6, 1933, when the first excesses were committed throughout the Reich under the authority of the Central Government, and the end of

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NURNBERG, GERMANY
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July, 1933, by which date the violent anti-social policies of Hitler were widely made known and demonstrated clearly to the German public, marks the time subsequent to which all adherence to and participation in the acts of the German National Socialists carries with it greater or less criminal guilt according to the degree in which such participation furthered the aims of the National Socialist State. This degree of guilt differed widely with respect to the numerous functionaries who were incorporated voluntarily and involuntarily in the legislative, executive and administrative branches of the Government of Hitler.

As to the legislative branch of the Government the case is crystal clear; since the integration of the Nazi Reichstag with loyal party members was the first great act of the Hitler regime, which was speedily dramatized and emphasized by the crime of arson, the burning of the Reichstag on February 27, 1933. Those deputies who were elected to the Reichstag previous to January 30, 1933, when Hitler became German Chancellor, bear a full measure of guilt and responsibility for carrying into effect the Nazi program of oppression and aggression. These individuals were involved in schemes to destroy democratic institutions in Germany and to lay the economic, social and

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political foundations for the regime whose extensive and all-inclusive policies, both national and international, were clearly known in Party circles. These deputies were guilty of establishing the legislative foundations upon which the Hitler system was built. While the criminal aspects of their collaboration are clear, it would be a miscarriage of justice to allow these deputies to plead immunity through their adherence to and participation in parliamentary procedures. Their crime consisted precisely in using parliamentary procedures in furthering the base aims which had, from the beginning of their movement, been proclaimed in the political platform adopted by the Nazi Party. This platform was published widely in German publications previous to 1933. While the deputies elected to the Reichstag previous to January 30, 1933, were in particular the founders of the Nazi legislative system, those deputies who were appointed to the Reichstag subsequent to this date and after other political parties in Germany were declared illegal bear an equal degree of guilt, if not more, in view of the fact that these Party members accepted appointment to office not only being in complete agreement with the platform of the Party, but also with the aggressive policies of the regime, which had become clearly

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demonstrated in practice during the period between March 6, 1933, when universal violence had broken loose and the time of the dismissal of the Hugenburg deputies (Deutsche Nazional Partei) in April or May of 1933.

In further establishing the guilt of individual members of the German Reichstag under Hitler, account must be taken of the individual records of the various deputies, who in addition to their status as functionaries of the Reichstag, also occupied various offices under the Hitler regime in the communities which they purported to represent in the Nazi legislative assembly. Furthermore, it will be found that many of these deputies subsequently occupied positions in the provincial or local governments where they had additional opportunity to promote and advance the Hitlerian cause. A certain number of these deputies also, it will be found, occupied positions in the military setup, in which capacities it may be established that they committed excesses, and for which they would be held responsible.

Further, but on the other hand, it will be found that the infiltration of Nazi representatives in legislative and deliberative assemblies in both the provinces and the cities, and also in the districts, was less effective. Most of these legislative assemblies and deliberative

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bodies were subject to little change when the Hitler regime came to power and during the time it was solidifying its position in the country. For the most part, these organizations were rendered impotent by the accretion of power which was usurped by the Central Government. Consequently, the members of the various provincial assemblies and municipal deliberative bodies remained unchanged. The individual members for the most part were incorporated automatically into the hierarchy of the Nazi state without more being required than the oath of allegiance to Hitler and an accepted obedience. For instance, many of the Landesgemeinde (provincial assemblies) and Stadtraete (city councils) continued to function in a perfunctory manner under the limited powers left to them, giving local effect to Hitlerian decrees without the authority of questioning or modifying such measures. The members of all such assemblies and deliberative bodies were subjected under the Nazi regime to close political scrutiny, and their dismissal from office was immediately effected if they were found to be lukewarm or politically unreliable. Their situation was similar to that of hundreds of thousands of administrative officials in the provinces and in the municipalities throughout the Reich, whose cases are discussed below.

In general, it may be stated safely that while

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criminal guilt, as accomplices in the Nazi plan, attaches to all members of the German Reichstag for whom a measure of punishment would be just, those persons who continued in office in the provincial assemblies and the municipal deliberative bodies, provided other criminal or oppressive acts are not laid to their charge, would not be guilty of crime by reason of their continued membership in such bodies.

As to the executive branch of the German Government, the extent of guilt on the participating members is far more general and direct. Undoubtedly the trials of the arch-criminals, formerly leaders of the Government under Hitler, will reveal the claim of certain cabinet and administrative officials that they were not equally responsible for the policies carried out by the Hitlerian regime. Independent of individual criminal acts committed by high functionaries of the German Government or the Nazi Party, such as the murders ordered by Hitler, Himmler and Goering, all high functionaries of the German Government and of the Nazi Party (Rudolph Hess was a functionary only of the Nazi Party) are guilty in the highest degree of complicity in and furtherance of the cardinal crimes of oppression against the German people, persecution and destruction of

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the Jews and their political opponents, and of waging criminal aggressive war. Guilt in an equal degree, therefore, attaches to all members of the German Cabinet under Hitler, including the Ministers of War, of the Navy, of the Air Force; the Ministers of Finance and Commerce, as well as the chiefs of all governmental agencies, such as the Arbeitsdienst, the Secret Police, the Director of the Reichsbank, Hitler Youth Organization, the Reichs Food Estate (Reichsnaerstand), the S.S. (Schutzstaffel), the S.A. (Sturmabteilung), etc.

It is clear from statements made in the press that the Allied War Crimes Commission considers the administrative chiefs of certain ministries and agencies of the Hitlerian Government as arch-criminals, among whom are Goering, Von Ribbentrop, Von Krosig, Ley, Streicher and others, now incarcerated in Nuerenburg. To these must be added the rest of the functionaries of the same category, including those who held responsible positions not only in the Cabinet, but as chiefs of the primary agencies set up by the Hitler regime. This would include Dr. Hierl, Fuehrer of the Arbeitsdienst, and Dr. Rosenberg, the intellectual leader of Nazi philosophy, and others.

Questions may arise as to the degree of complicity

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and guilt which should attach to high functionaries of such institutions as the German Reichsbank and the Ministry of Commerce. It is a notorious fact that Dr. Schact and his successor, Walter Funk, contributed most substantially to the armed preparations made for the waging of aggressive warfare. These officials were cognizant of the aims of the German Government; and were participants in the most secret councils of the regime. They received their directives directly from Hitler in the same manner as Hitler gave his commands to Goebbels, the Chief of Propaganda, and to Himmler, the Chief of the Gestapo. Under the totalitarian scheme in force under Hitler, the German executive branch functioned as one unit, the aims of administration being the same, namely, the maintenance of the Nazi State in supreme power, and the enforcement of measures to carry the aggressive war-program through to a successful conclusion. There was indeed no separation of functions by which the administrators of any governmental department or agency could claim that its activities were not directly connected with German aggressive aims. A study of the totalitarian system, with its innumerable ramifications, will prove that all administrative processes were closely connected parts of a single whole;

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therefore, in general it may be adopted as a ruling principle that those individuals who were responsible for the making and carrying out of policy in high places bear the primary guilt for the excesses and the aggression committed at home and abroad by the regime of Hitler.

In this connection emphasis is particularly laid upon the role played by the chief functionaries in the Reichs Chancellery, notably Dr. Meissner, Dr. Lammers, and Fritz Wiedeman, their assistants and subordinates. It should be recognized that not only the main fuctionaries of the Reichs Chancellery are guilty in the highest degree and bear responsibility for the crimes committed by Hitler, but that in such organs of the German Government, which were indeed more closely a part of Hitler's immediate entourage, the range of guilt extends throughout the entire organization. This is especially true also of the Gestapo, the Arbeitsdienst, the Arbeitsfront, the S.S., the S.A., the Hitler Youth, and other purely Nazi agencies which had not been known in Germany under previous governments. In these organizations only leaders were appointed who were actively and creatively in full agreement, not only with the program of the Nazi Government, but who also accepted the practices and lent their personal aid and creative ability in giving effect to the policies of the Government.

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For instance, all functionaries and employees of the Reichs Chancellery were fanatical in their following of Hitler. They were employed on the basis of their records as devotées and ardent followers of Hitler. They gave effect to acts of repression and persecution often on their own authority as persons of responsibility attached to the highest office of the land. Similarly, this is true of the huge organization of the Secret Police, which was established on a large scale not only in the capital, but in all cities and towns of the Reich. In the Gestapo, for instance, criminal guilt was not only attached to the successive chiefs of the Gestapo, Rudolph Diels, Heinrich Himmler, Reinhard Heidrich, Werner Best, Dr. Volk (later Prosecutor in the People's Court), but also to such functionaries as Dr. Hasselbacher, head of the Department for Jewish Affairs in the Gestapo, and other numerous functionaries of that organization who occupied key positions in the administrative scheme of that vast organization. Furthermore, provincial and municipal chiefs of the Gestapo situated in the provinces and in the cities of the Reich were among the most guilty of the criminals functioning under the Nazi regime. These persons bore the responsibility for the excesses committed by the Gestapo throughout Germany; and were individually responsible for

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the murders, beatings, and illegal acts committed under their jurisdictions. While it is certain that the records of these functionaries, if all the facts could be obtained, would make them liable to the most extreme punishment, namely, the death sentence or life imprisonment, it is also a fact that their assistants, including the large number of S.S. men who occupied relatively minor administrative positions in the Gestapo, were directly responsible for the commission of crimes which, under our law, would be punishable with death. In these Gestapo organizations existing throughout the length and breadth of the Reich, numerous minor functionaries were employed, including administrative, clerical, stenographic personnel, chauffeurs, guards, jailors, all of whom were attached to the cause they served with fanatical devotion. These persons were entirely conscious and acquainted with the illegal practices of the Gestapo, and were direct accomplices in the crimes perpetrated. Considering the degree of their guilt and the seriousness of the crimes to which they were devoting their energy, it would seem appropriate in the cause of justice that they should all be given sentences of at least ten to fifteen years hard labor, provided more serious individual crimes were not proved individually against them.

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It would be appropriate in considering the administrative governmental departments and agencies of the German Government to make special mention of the old line departments under the Hitler regime, notably the Ministry of the Interior and the Ministry of Education. All policy-making officials in the Ministry of the Interior were rapidly replaced under the Hitler regime by fanatical adherents of Hitler. Therefore, all individuals who held policy-making offices in the Ministry of the Interior from 1933 to the collapse of the regime are guilty of the crimes for which the leaders are indicted. The Ministry of the Interior exercised authority over the police, and gave effect to the numerous repressive measures that were decreed against Nazi victims, which Ministry extended its jurisdiction to occupied areas under Nazi conquests. Guilt would attach not only to the successive ministers during this period, but to all the under-secretaries (UnterstaatsekretÄre), ministerial counselors (MinisterialrÄte), ministerial directors (Ministerialdirigenten), and divisional chiefs (Referenten für bestimten Angelegenheiten), all of whom on their own authority and by virtue of their positions of responsibility in the Ministry of the Interior, gave effect to decrees and repressive measures in line with and in actuation of the Nazi policy. Persons ranking below the

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official levels just mentioned were, for the most part, permanent employees of the German Civil Service and were retained in office, if en masse they took the oath of allegiance to Adolph Hitler and were otherwise found to be politically reliable. These individuals, provided no specific crimes could be proved against them, in general were not responsible for the acts carried out in the Ministry of the Interior.

In view of the fact that Von Ribbentrop, Foreign Minister under Hitler, is being indicted for the furtherance of crimes committed by the Nazi regime, consideration must be given to the status of other important officials in the German Foreign Office during the period of the Nazi regime. During the years 1933 and 1934 the German Foreign Office was maintained by the Nazi Government, for the most part, with the old line conservative officials in charge. This situation continued generally throughout the period during which Baron Von Neurath was Foreign Minister. However, after Von Ribbentrop became chief of the Foreign Office, the situation with regard to the policy officials was gradually changed. During Von Neurath's incumbency the German Foreign Office had not been coordinated, and little blame for acts of German foreign policy could be attributed to Von Neurath and his assistants during this

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period; though his continuation in office indicated his agreement with National Socialist aims, for which activities Von Neurath might easily adduce in his defense reasons of patriotic motive. His assumption, however, of the office of Protector of Bohemia and Moravia put him directly in the position of aiding and abetting the criminal aims and policies of the Hitler regime.

During this period members of the German diplomatic service were becoming more positively identified as agents of Nazi foreign policy. Notably among these are Franz Von Pappen, Minister to Austria, and subsequently Ambassador to Turkey; Von Stohrer, and others whose record of intrigue and machination on behalf of Hitler are matters of public record, and whose responsibility for the success of Hitler in diplomacy is established and whose participation makes them criminally liable.

By 1935, two years after the advent of the Hitler regime, there still remained in the Foreign Office individuals with the rank of divisional chief (Referenten für bestimten Angelegenheiten), who like Dr. Davidson, were "bureaucratic prisoners" and who held their positions by virtue of their special qualifications and not on account of their adherence to the Nazi regime. The personal records of certain of these individuals will substantiate these facts;

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however, all officials under Von Ribbentrop with the rank of under-secretary (Unterstaatssekretäre), ministerial counselor (Ministerialräte), and ministerial directors (Ministerialdirigenten), were ardent Nazis, and had voluntarily adhered to the Hitlerian policies and are, therefore, criminally responsible for the acts of the German Ministry of Foreign Affairs during this period. Among these should be mentioned Herr Weizsaecker, lately at the Vatican.

Special mention must be made of the Protocol Division of the Foreign Office, all of which officials were ardent supporters of Hitler, as well as Herr Bohle, who fomented and directed Fifth Column activities in foreign countries. The Economic Division of the Foreign Office, after 1936, conducted the most sinister activities against foreign countries in furtherance of subversive activities of German agents abroad. In general, the so-called political "referenten" functioning in the Foreign Office during the Hitler regime were for the most part old line Foreign Service officials who might be classified under the heading of "bureaucratic prisoners".

What has been said above with regard to the responsibility of high officials in the Ministry of the Interior should here be repeated with reference to the responsibility

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of officials in the Ministry of Education. In fact, in no department of the German Government during the Hitlerian period was more fanaticism rampant than among the high officials of the Ministry of Education, particularly the Minister, Dr. Stuckert. In this Ministry the State Secretaries (Staatsekretäre), the ministerial counselors (Ministerialräte), ministerial directors (Ministerial-dirigenten), and the "referenten" were all active and ardent contributors to the furtherance of Nazi policy in the intellectual enslavement of the German people, the corruption of the schools, colleges and universities, the persecution of the Catholic schools, the persecution of the churches, the enthrallment of religion, the attacks upon the Catholic churches, the Catholic bishops, priests and nuns, the decrees under which non-Nazi educational and religious institutions were deprived of funds, etc., and the vast program for the dissemination of Nazi doctrine, not only throughout Germany, but in occupied areas, - all these and many more subversive and destructive measures were actuated on a vast scale by these officials. Similarly, through the tremendously powerful control exercised by the Ministry of Education of all the schools and churches of Germany, a vast hoard of accomplices was placed in strategic positions throughout the system of schools,

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colleges and universities to implement and give effect to the educational programs carried out in all educational institutions of the Reich. For the Most part, directors of schools, high schools, academies, colleges and universities were fanatical adherents of the Nazi philosophy, and actively, administratively, and voluntarily gave effect to the policies of the Ministry of Education. The rectors of all universities who were still in their positions in 1936 were in some degree guilty of criminal action, and if not punished by terms of imprisonment, should at least be barred permanently from any office in Germany's educational future, and should be disbarred from the enjoyment of any pensions under the German Government. In the sifting of the records of thousands of professors, docenten and teachers, discrimination should be made on the basis of individual records and the evidence of their zeal in teaching Nazi doctrines. These persons, provided they are not otherwise proved to be guilty of felonies, should be disbarred permanently from engaging in teaching or from enjoying any pensions in the future.

As the urgency of the acquisition of strategic materials became increasingly important in the economic development of Hitler's Reich and the armament program progressed freely in the face of the international

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political situation, which appeared safe from foreign intervention by the spring of 1936 (the occupation of the Rhineland), the activities of the Ministry of Commerce became more thoroughly coordinated with the immediate aggressive program of the Nazi Government. Almost without exception the responsible positions in this Ministry were held by individuals, for the most part, experts in economic matters, who were committed voluntarily to the success of the Nazi program; and responsibility for carrying out the program of aggressive warfare rests upon all individuals in the Ministry of Commerce who occupied policy-making positions during the years 1936 to the end of the Hitler regime. This would include all persons with the rank of "referenten" and above. In this connection special mention may be made of Goering's chief assistant for economic matters, Dr. Helmuth Wohltat, last heard of in Japan, where he went as an important economic emissary. Employees of the Ministry of Commerce below the rank of "referenten" were retained in their positions upon taking the oath of allegiance to Adolph Hitler and if found otherwise politically reliable. Such persons, providing their records do not indicate they were guilty of specific crimes, would not be responsible for the work performed as employees of the Ministry of Commerce.

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Finally, with regard to the administrative institutions of the German Government, mention should be made of the regular German police. German police officers on the whole were retained in their positions, and continued to perform their functions under certain limitations during the period of time that Germany was under Hitler. Few individual members of the German police force, particularly in the cities, were dismissed as being politically unreliable; but for the most part they continued to function. In carrying out their ordinary duties they were not allowed to interfere with the excesses of the S.A., the S.S., or the Hitler Youth, but far and wide even the Landjäger (provincial police) participated little, if any, in the Nazi program.

Similarly, no guilt is attached to those functionaries who carried out their duties in the thousands of police stations (PolizeiÄmter) all over Germany. Slight changes were made under the Hitler regime, and these individuals, who are all Civil Service employees, took the oath of allegiance to Adolph Hitler and, if politically reliable, continued to perform their duties, which for the most part had to do with keeping records of German citizens, births, deaths, marriages, etc. in their jurisdictions.

Several other administrations deserve mention on

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account of their aloofness as administrative bodies from any activities related to the carrying out of Nazi policies; namely, the Post Office Department (Postamt), National Railroads (Reichsbahm), and the Department of Sanitation (Gesundheitsamt). There is no evidence during the period in question that officials from the highest to the lowest, as well as the employees, did more than carry out their usual functions, which would not differ from those performed before the advent of the Hitler regime. These persons were all required, however, to take the oath of allegiance to Adolph Hitler and were investigated as to their political reliability; and unless crimes were proved against individual members, these persons should not be held responsible for their activities in the Government during the Hitler regime.

Insofar, however,as the Health Department (Gesundheitsamt) was involved in the Sterilization program of the Nazi regime and the extermination of imbeciles, insane and incurables, the guilty officials including doctors, attendants, guards and assistants should be punished on murder charges and dealt with according to the established code of laws governing crimes of this sort in force in civilized countries. These persons from the highest to the lowest should be dealt with as common criminals; so that these

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pseudo-theories of racial purification through inhuman murder be dealt a lasting knock-out blow for all time.

The punishment of those responsible under the Hitler regime for the corruption of the courts and the distortion of legal codes and procedure cannot be too strongly urged; as it was through control of the courts and the arbitrary procedures practiced therein that the National Socialists secured over the German people the most potent weapon of oppression and compulsion. The officials primarily responsible for the inauguration of the Nazi juridical system were in the Ministry of Justice, which by the end of 1933 became completely coordinated. All policy-making officials of that department are guilty of crime, in that they turned the machinery of justice into a base political instrument of oppression and persecution, established procedures which were in violation of the natural rights of man, and sent many people to death and to punishments for deeds of which they were innocent.

All policy-making officials of the Ministry of Justice under Hitler are guilty of crimes which should be punished by long terms of imprisonment ranging from ten to thirty years; and should include successive Ministers of Justice under Hitler, all State Secretaries (StaatsekretÄre), Under-State Secretaries (UnterstaatsekretÄre), Ministerial

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Counselors (MinisterialrÄte), Ministerial Directors (Ministerialdirigenten), and Chiefs of Divisions (Referenten), as well as all Prosecuting Attornies (Staatsanwälte) charged with executive and administrative duties in the Ministry of Justice during the period 1933 to the end of the regime.

Great zeal and severity should be exercised in apprehending and bringing to justice those responsible for the administration and proceedings of the famed People's Court (Volksgericht), including the Presidents of the Court during its entire existence, all associate Justices (Assessoren) and the numerous prosecuting attornies (Staatsanwälte) who conducted the prosecutions. In view of the large number of illegal executions carried out by this Court, all ex-officials should be brought to trial and, with the establishment of their guilt and participation in the court proceedings, should be sentenced to death. All who participated in the administration of the Volksgericht, in the capacity of subordinate and minor employees should receive commensurate sentences of imprisonment according to the responsibility of the position held.

On the whole, outside of the Special Nazi summary courts and the dreaded Volksgericht, the regular courts of the Reich under Hitler continued to function, so far as the judges and magistrates were concerned, in accordance with accepted civilized standards of procedure. Both in

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the municipal and provincial courts, particularly in the higher courts (Landesgerichte) where appeals were heard, the course of justice moved relatively smoothly due to the traditional training of the judges who resisted, as far as possible, the political arguments of the Nazi prosecuting attornies and generally meted out substantial and fair justice. These courts dealt mostly with civil suits, felonies and misdemeanors in which political questions were not generally involved. It is, therefore, recommended that the functionaries of these courts, unless individual crimes are proved against them, be not included among criminals participating in Nazi excesses. However, all prosecuting attornies (Staatsanwälte) attached to all courts under Hitler were guilty of aiding and abetting miscarriage of justice, and should be punished according to their individual records and permanently disbarred from practicing before future German courts.

Provincial administration during the Hitler regime was under the immediate control of the various "Gauleiter" (Provincial Governors) who were high Nazi officials committed utterly and unconditionally to carrying out National Socialist policy. Their administrations in the provinces were organized to give effect and to carry out the mandates of the Central Government. These administrations were directed by officials who used force and illegal

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methods to carry out acts of suppression, persecution and exterminations; though, for the most part, provincial officials of such organizations as the Gestapo, Propaganda Ministry, Arbeitsdienst, Arbeitsfront, etc. acted on direct orders from Berlin. They nevertheless had the Gauleiters' full cooperation; and in certain cases, as in Thuringia and in Franconia, the excesses of the Gauleiters exceeded those of the local representatives of the Berlin departments and agencies. Gauleiters share with the principal personalities (Goering, Himmler, Goebbels) of the Hitler regime full responsibilities for the crimes of persecution and aggression, and in certain cases should be punishable with death. All deputy Gauleiters and responsible administrators bear guilt to a degree meriting long terms of imprisonment. Since in the organization of the Gauleiters' administration only devout and fanatical Nazis were employed, the records of these individuals should be sifted for evidence of overt acts making them criminally liable. Some of the minor employees connected with the Gauleiters' administration should receive prison sentences; all others should be disbarred from public employment and pensions.

For the most part municipal and community organizations remained in the charge of local officials who took the oath of allegiance to Adolph Hitler and remained in civic offices provided they were found, from a National

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Socialist point of view, politically reliable. Except in the case of the Burgermeisters (mayors) of the large cities, these persons and their assistants should not be arraigned as war criminals. Individual records will reveal that certain burgermeisters committed crimes as Nazi enthusiasts in the performance of their regular work. Their employees, for the most part, were humble civil servants who carried out their duties obediently. The burgermeisters of the large cities, such as Berlin, Hamburg, Munich, etc., should be apprehended and dealt with according to the evidence obtained regarding their individual records. Certain of these will be found to be as violent in their cooperation in carrying out the policies of the Hitler regime as the most fanatical Gauleiters.

II.

All high functionaries of the Nazi Party are war criminals. For the most part these functionaries occupied other positions in the German Government - like Hitler, the Chancellor; Goebbels, the Propaganda Minister - and are responsible for their acts as governmental agents. However, such personages, as Hess, are guilty of crimes by virtue of their office in the Nazi Party; and as such are guilty in the highest degree of complicity in the

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extensive crimes committed by the National Socialist regime of Hitler.

On the other hand, the several million members of the National Socialist Party could not be considered as war criminals on the grounds of their having become members of the Party and of their having supported it by their adherence and financial contribution. Thousands of individuals throughout the Reich were under compulsion, for the sake of livelihood or business, to become Party members. It is, therefore, recommended that membership alone in the Nazi Party, in the absence of proved overt criminal acts, be not apprehended and punished in any degree as war criminals. However, numerous Party members used their affiliation and prestige as National Socialists to wrest illegally property from Jews and other victims of Nazi aggression. Evidence as to the individual records of such persons should be carefully gathered, and where assets exist, restitution should be made and the claims of victims entertained and satisfied against malefactors. All members of the Nazi Party should be disbarred from holding any kind of public office or semi-public office for life. Where on account of compelling expediency such persons have been continued in public office, they should be replaced and disbarred without delay.

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III.

As the basic support of the Hitler regime was derived from the great industrialists (Industrielen), measures must be taken to place these persons in positions in which they will be unable to use their influence, experience and abilities in effecting the resurgence of a powerful industrial Germany. The active participation of these great industrialists in building up the German war machine, through which Hitler's aggression became possible, makes them liable to a certain degree as accomplices in Hitler's crime; as, for instance, the high officials of the I. G. Farben, of which Dr. Ilgner is the prototype. These persons should be brought to justice on the basis of their individual records; and if not punished for crimes based upon the evidence of overt acts (international negotiations; establishment of cartels; secret economic and technical arrangements to the injury of the Allied war effort, etc.), should be retired from important enterprises and prevented from future participation in industrial activity.

Many of the most powerful Junkers have been expropriated through the loss of territory to Poland and Russia. However, certain of these powerful landowners still remain

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in parts of Germany, and their individual records with regard to the support of the Hitler regime should be closely examined and evidence of their complicity obtained. Where guilt is proved, provided they are not to be charged as war criminals, as officers of the Army or Navy, or functionaries of the Hitler regime, they should be heavily fined and reduced to an economic state of impotence, rendering impossible the maintenance of the privileged position enjoyed under the Hitler regime.

Investigations should be made as to the means of acquiring businesses and properties owned by Jews previous to the advent of Hitler. All persons holding such properties should be expropriated, and the properties restored either to the rightful owners or, in the absence of such rightful owners, confiscated as objects of value, the proceeds of which may be used for reparation purposes or for funds to liquidate claims of former victims against the Hitler regime. Many of these victims are now American citizens, and have legitimate claims for property losses against the future German Government.

Investigations should be made generally throughout Germany with respect to the degree of complicity in furthering Hitler's war aims by leading authorities, businessmen,

economists/

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economists, professors and experts in the semi-public trade and commodity organizations established throughout the Reich. Chief among these are the various chambers of commerce (Handelskammer) established in the principal cities of Germany. These organizations became completely Nazified, were instruments of the National Socialist Party, and gave effect authoritatively to economic, commercial and trade measures decreed by the Berlin authorities in order to prepare and consummate the German economic apparatus for aggressive war. The presidents and secretaries, as well as boards of directors, were accomplices in this scheme. These persons should be arraigned, their complicity established, and appropriate sentences of from one to five years in prison should be given. Likewise, the administrators and directors of the commodity organizations, as, for example, the Association of Steel Manufacturers (Stahlverein), should be brought to justice. Their activity in connection with the furtherance of the Hitler regime should be investigated, and for their complicity they should be appropriately punished, either with prison sentences or fines, or both. These industrialists, experts, professors, etc. should be disbarred from membership or participation in any future German trade associations.

Finally/

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Finally, investigation should be made into the complicity with the Hitler regime involved in the various miscellaneous associations (Vereine, Verbände, etc.), which served as organizational vehicles for the dissemination of Nazi policy. These include especially sport organizations, which cooperated directly with Jämer-Osten, the Nazi sport leader under Hitler. A certain degree of complicity will be proved against the leaders of many of these organizations, which for the most part should be disbarred. Such organizations should be allowed to develop in a future Germany on an entirely new basis in harmony and in accordance with democratic processes. Actual leaders of patriotic societies, such as the Karl Schurz Gesellschaft and the Steuben Gesellschaft, should be brought to account for acts in perverting the high aims of these societies to the base aims of the Hitler regime. With rare exceptions, existing German societies should be liquidated, including social, educational, scientific, musical, sport, patriotic, and welfare organizations; as the existence of these societies with their present leaders menaces the future orientation of Germany toward democratic commonwealth. The records of persons heading these societies under the Hitler regime should be investigated and

evidence/

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evidence establishing complicity should lead to appropriate punishment.

Raymond Geist

ubscribed and sworn to

fore me, William L. Brewster
ice Consul of the United States
America, duly commissioned
d qualified,
Mexico, D. F., Mexico,

29th day of August, 1945.

William L. Brewster

William L. Brewster
Vice Consul of the United States
of America

Service No. 6747
Tariff No. 38
No fee prescribed.

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Secretary

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